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July 2, 2025

Via ECF

The Honorable Taryn A. Merkl
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Jack Argila, et al. v. S&N Builders, Inc., et al.*
22-CV-03324 (Merkl, M.J.)
JOINT STATUS REPORT PER 6/25/25 ORDER
Our File No. 4067.241

Dear Magistrate Judge Merkl:

The law firm of Pitta LLP represents the Plaintiff Funds and Union in the above-referenced action. Pursuant to Your Honor's June 25, 2025 Order, counsel for Plaintiffs, counsel for Defendants, S&N Builders, Inc. ("S&N") and Sakander Raja ("Raja") (S&N & Raja are the "S&N Defendants"), and counsel for Defendant North American Specialty Insurance Company n/k/a Swiss Re ("Swiss Re") respectfully submit this joint status letter to the Court.

The S&N Defendants have agreed to pay the remaining principal due on the audit of S&N for the period January 1, 2016 through March 31, 2019. Plaintiffs have also been in discussion with the S&N Defendants and Swiss Re about the remaining amount due on the audit for the period April 1, 2019 through March 19, 2023 ("19 – '23 Audit"), which includes a small amount due and owing on two projects bonded by Swiss Re. Once the Swiss Re projects on the 19 – '23 Audit are paid by either Swiss Re or S&N, then Plaintiffs can dismiss the claims as to Swiss Re, and the S&N Defendants would be the only remaining defendants in the action.

Plaintiffs have made a settlement demand to the S&N Defendants with regard to the remaining principal amount due under the 19- '23 Audit and the additional amounts prescribed under the Employee Retirement Income Security Act of 1974 ("ERISA"). However, barring a satisfactory settlement proposal from the S&N Defendants, Plaintiffs intend to request a pre-

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motion conference to move for summary judgment against the S&N Defendants. Plaintiffs respectfully request 30 days to either reach a settlement with the S&N Defendants regarding the remaining principal and ERISA damages or file a pre-motion conference letter with the Court.

Thank you for your consideration of the foregoing.

Respectfully,

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